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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,137	12/28/1999	MATSUTARO MIYAMOTO	991517	9634

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EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT PAPER NUMBER

3745

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/473,137

Applicant(s)

MIYAMOTO ET AL.

Examiner

Christopher Verdier

Art Unit

3745

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☒ The proposed amendment(s) will not be entered because:  
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☒ Newly proposed or amended claim(s) 38,40,41,51,59,61,62 and 72 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

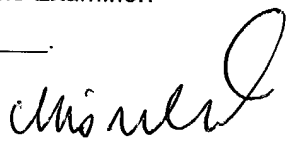
Claim(s) allowed: 80-82 and 88-100.

Claim(s) objected to: 39-41,44-48,50,52-56,60-62,65-69,71 and 73-77.

Claim(s) rejected: 38, 42-43, 49, 51, 57-59, 63-64, 70, 72, 78-79, 83-84, 87.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☒ Other: See Continuation Sheet

  
Christopher Verdier  
Primary Examiner  
Art Unit: 3745

Continuation of 2. NOTE: The newly proposed amendment to claim 83 raises new issues that require further consideration, because claim 83, although it incorporates subject matter indicated as allowable in claim 39, does not contain the base limitations of claim 38, upon which claim 39 depends. Newly proposed claims 101-102 raise new issues that require further search and consideration by reciting that the heating source is directly attached to a lower end portion of the stator of the groove pumping section at a position lower than a lower end of the rotor of the groove pumping section, and that a heating source is directly attached to a lower end surface of the stator of the groove pumping section. Newly proposed claim 103, which recites that the heating source is provided on a portion of the stator which is caused to be rotated with a rotating element by the abnormal torque, raises new issues which require further search and consideration. Additionally, the combination of the aforesaid heating source in claim 103 with the slide facilitating member raises new issues which would require further consideration.

Continuation of 10. Other: Applicants' statement that the foreign priority documents were filed in U.S. Patent 6,332,752 satisfies the requirement for submission of the foreign priority documents. The omission of the examiner initials for an entry on the PTO-1449 of September 25, 2002 was an oversight and the reference therein has been considered. In the future, Applicants should point out any such omission in a timely manner in their next response, rather than after prosecution is closed.